

REGULAR CITY COUNCIL MEETING

SEPTEMBER 16, 1985

PRESENT

Grant S. Nielson  
Craig Greathouse  
Don Dafoe  
Neil Dutson  
Ruth Hansen  
Gayle Bunker

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

Dorothy Jeffery

City Recorder

OTHERS PRESENT

Jim Allan  
Warren Peterson  
Virginia Taylor  
John Quick  
Alan Riding  
Roger Young  
Max Wood  
Dennis Cook  
Dell Ashby  
Sylvester S. Farruard II

City Manager  
City Attorney  
City Secretary  
City Engineer  
Assistant Public Works Director  
Chief of Police  
Parks and Recreation Director  
Contractor  
Senior Housing Project

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Virginia Taylor, City Secretary, acted as secretary. Mayor Nielson stated that the notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

ACCOUNTS PAYABLE

The Council reviewed the list of accounts payable which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED the accounts payable be approved for payment as listed in the amount of \$8,478.39. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further questions or comments regarding the accounts payable. There being none, he called for a vote on the motion, which passed unanimously.

JIM ALLAN: UPDATE ON PURCHASE OF OLD FOOTBALL FIELD PROPERTY, SOUTH HALF OF BLOCK 74

Mayor Nielson asked City Manager Jim Allan to give a report on the purchase of the Old Football field property in Block 74.

City Manager Jim Allan said that the Millard County Board of Education had approved and signed the agreement between Delta City and Millard School District for purchase of the Old Football Field property. Mr. Allan said that Attorney Thorpe Waddingham had been instructed to prepare a Warranty Deed. Council Member Craig Greathouse suggested that one stipulation be added to the agreement to have the Millard School District mark the football field before Delta City purchases it. Mr. Allan said that could be discussed at a later time.

MAYOR GRANT NIELSON: DESIGNATION OF VOTING AND ALTERNATIVE VOTING DELEGATES TO THE 78TH ANNUAL CONVENTION OF THE UTAH LEAGUE OF CITIES AND TOWNS

Mayor Nielson suggested that Council Member Don Dafoe and Council Member Ruth Hansen be designated as the voting and alternative voting delegates to the Utah League of Cities and Towns with each Council Member having two votes.

Council Member Craig Greathouse MOVED to appoint Don Dafoe and Ruth Hansen as voting delegates with each to have two votes for the City of Delta at the Utah League of Cities and Towns Convention. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

DELL ASHBY: CONSIDERATION OF APPROVAL FOR WAIVER OF BUILDING AND CONNECTION FEES FOR SENIOR HOUSING COMPLEX

Mayor Nielson said that he received a letter from Roy Barraclough requesting waiver of building and connection fees for the Senior Housing Complex. Mayor Nielson presented the following letter for the Council's review and consideration:

TO: Mayor Grant Nielson and Delta City Council Members

FROM: Roy E. Barraclough

SUBJECT: Item #2 - New Business

DATE: September 9, 1985

Consideration is requested by the Millard County Housing Authority Board to waive building fees, licenses and/or permits required by the City for construction of the Senior Housing in Delta as follows:

1. The sewer connection is already at the property site and the Contractor will make the necessary connection at no expense to the City. Exemption of fee is requested.
2. Adequate water connection is already present at the property site. A new water meter, meeting size requirements, etc. will be purchased and installed by the Contractor with no expense to the City. Exemption of this fee is requested.
3. Request consideration be given to the following alternatives for license and/or construction fees:
  - a. Consider no fee at all. This is common practice in most cities or counties according to the architect with his experience with municipalities.
  - b. Base fees on 50% of residential fees.
  - c. Base fees on residential rates. (No line item in the construction amount was included.)

The reason for the above requests is that according to the Architect, Mr. Dee Taylor, most communities welcome this type facility to the community. They are kept neat and clean and are well managed with little trouble to the community. It will establish a permanent income, i.e. monthly fees services: water, sewer, garbage, etc., as well as offering jobs in managing, operating and maintaining the facility. It will provide more customers to local businesses, such as cafes, gas stations, grocery stores, drug stores and other related businesses.

The Senior Housing will provide a standard of living and comfort for many who otherwise could not afford it which has been our objective in providing this type housing to residents of our community.

Your consideration in this matter is very much appreciated.

Mayor Nielson requested that Attorney Warren Peterson address the letter and the request to waive sewer and water fees. Mr. Peterson said that it is his opinion that the water connection fee of \$5,850 and the sewer connection fee of \$9,600 for a total of \$15,450 cannot be waived both as a matter of Delta City's bonding agreements and of State law. Mr. Peterson recommended that the Council require the water and sewer connection fees as presently constituted in the fee resolution, but the Building Permit fee could be waived where it is for another public entity.

Mr. Dell Ashby said that the site of the Senior Housing Complex is located where the old swimming pool was and that there is a useable 4-inch line still in place.

Council Member Don Dafoe asked how the Senior Housing Project is being funded. Mr. Ashby said that Farm Home Administration is providing the funding and the Millard County Housing Authority Board will determine who will manage the project. Mr. Ashby said that the County Housing Authority Board consists of the following people:

Gloria Walker, President  
Roy Barracough, Secretary  
Roy Olpin  
Ned Church  
Quin Shepherd

Following a general discussion of the Senior Housing Project, Council Member Don Dafoe recommended that Delta City base their waiver of building construction fees contingent upon Millard County refunding the building permit fees paid by Delta City for the yard well pump building.

Council Member Craig Greathouse asked that since Delta City is using the Millard County Building Inspector, if Millard County has been contacted to waive the cost of inspection. Mr. Greathouse said that if Millard County would waive their part of the inspection costs, Delta City could waive their cost of the inspection.

Council Member Gayle Bunker MOVED that if Millard County will waive the cost to Delta City for the building inspector on the Senior Housing Project, Delta City will likewise waive their building permit fees. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the project or the motion. There being none, he called for a vote on the motion, which passed unanimously.

Following further discussion of the Senior Housing Project, Council Member Don Dafoe MOVED to deny the exemption of the fee as requested on the basis of Attorney Peterson's opinion that Delta City is not authorized to waive the fees on the water and sewer connections. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

Attorney Peterson read a letter from Farmers Home Administration, the provider of loan funding for the project, stating that it is necessary for Delta City to adopt a resolution declaring that there is need for the County Housing Authority to exercise its powers within that city.

Mr. Peterson stated that a resolution would be prepared and requested that this item be placed on the next agenda. It was decided that, if necessary, a Special City Council Meeting could be held to adopt the resolution.

PAUL TAGGART: DISCUSSION OF PARK IMPACT FEES ON THE MEADOW PARK SUBDIVISION AND ADJACENT ANNEXED PROPERTIES

Mayor Nielson requested that City Manager Jim Allan conduct the discussion of the Meadow Park Subdivision park impact fees since Paul Taggart was not in attendance at this meeting.

Mr. Allan said that Mr. Taggart is requesting that Delta City consider giving a portion of the fees that were required at the time of annexation for park improvements back to him. Mr. Allan said that as a requirement under the annexation agreement, Mr. Taggart provided approximately \$9,000 rather than establishing a park to deal with the size of the property being annexed. Delta City put that money into an account for park development and that is the money being used to purchase the Old Football Field property from Millard School District.

Attorney Peterson said that Meadow Park Subdivision was charged 7% park fee when they annexed and they were also charged 7% impact fee under the subdivision ordinance. They are the only subdivision that has been required to pay the full 14%. Attorney Peterson said that they had the choice of paying on an individual lot basis or paying the full amount all at once and they have been paying the secnd 7% on a per lot basis.

Following a brief discussion of the park impact fee, Council Member Ruth Hansen MOVED to deny the request because the money was given to Delta City as part of the annexation agreement and there were no provisions made for refund of that money if development did not occur. She also moved that investigation be made of the subdivision impact fee and adjustments be made if necessary from 14% down to 7%. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

ATTORNEY WARREN PETERSON: DISCUSSION/DECISION OF PROPOSED ZONING ORDINANCE

Mayor Nielson asked Attorney Warren Peterson to review with the Council the proposed Zoning Ordinance.

Mr. Peterson said that for each development policy there is a score sheet listing each one of the development policies; and, as the Planning and Zoning Commission go through and make their comments as to why they scored a particular way, it gives the developer a list of where his proposal may be weak in the eyes of the planning commission. The score sheet also develops a good record for the planning commission for review by the City Council, a court, or the Board of Adjustments later on.

Mr. Peterson said that various analytical and academic journal articles have spoken highly of this type of zoning ordinance because it does require an actual, detailed evaluation of projects. This process analyzes each separate proposal to determine compatibility, land capacity and conservation.

Attorney Peterson suggested that the Council Members in conjunction with the Planning and Zoning Board schedule a work session to discuss some examples of how different developments would be scored or reviewed and perhaps approved under this proposed zoning ordinance. The City Council members agreed to a meeting with the Planning and Zoning Commission and scheduled a work session for October 2, 1985.

Following discussion of the proposed zoning ordinance, Dennis Cook, a contractor, approached the Council to discuss possible rezoning of property located at 300 East 200 North from Commercial to Residential Zoning. City Manager Jim Allan displayed the zoning map, and, according to the map, the property is zoned commercial. Council Member Don Dafoe thought it had been zoned High Density Housing. Following further discussion of the zoning of the property, the Council Members concurred that the zoning map is not current and suggested that it be reviewed to determine whether the City can give Mr. Cook permission to proceed with his construction.

CITY ENGINEER JOHN QUICK: CHANGE ORDER AND PAY REQUEST FOR VALLEY ASPHALT - STREET IMPROVEMENT PROJECT

Mayor Nielson requested that City Engineer John Quick review with the Council the change order and pay request for Valley Asphalt for the Street Improvement Project.

City Engineer John Quick presented a change order and pay request for Valley Asphalt for a total amount of \$627,585.19.

Mr. Quick said that Valley Asphalt plans to have the Street Improvement Project completed in approximately one week. Council Member Don Dafoe expressed his concern regarding the road on 300 West having a steep incline from the gutter, which will cause problems during the winter months. Mr. Quick said the road could be tapered off on both sides of the road to alleviate this problem.

Council Member Don Dafoe MOVED to approve the change order which includes items 1C and 2C in the amount of \$9,020.00. Council Member Neil Dutson SECONDED the motion. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

Council Member Ruth Hansen MOVED to approve partial payment estimate No. 3 for Valley Asphalt in the amount of \$637,585.19. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion, which passed unanimously.

DEPARTMENT UPDATES: Police Department

Chief of Police Roger Young reviewed with the Council the following report of police activity statistics for the period of three years of 1983, 1984 and 1985:

CRIME REPORTS

| 1984*        | 1985* |
|--------------|-------|
| 949          | 1115  |
| 85% Increase |       |

REPORTS

| 1984*        | 1985* |
|--------------|-------|
| 492          | 687   |
| 72% Increase |       |

CITATIONS

| 1984*        | 1985* |
|--------------|-------|
| 587          | 798   |
| 74% Increase |       |

DUI ARRESTS

| 1984*        | 1985* |
|--------------|-------|
| 53           | 62    |
| 85% Increase |       |

TOTAL ARRESTS

| 1984*        | 1985* |
|--------------|-------|
| 157          | 221   |
| 71% Increase |       |

OVERTIME

| 1984*        | 1985*     |
|--------------|-----------|
| 784 hours    | 944 hours |
| 83% Increase |           |

Chief Roger Young said that most of the overtime hours are due to the increased number of court cases dealing with DUI arrests. Chief Young reviewed with the Council the Case Status and said that this year there are 85 active cases as compared to 98 in 1984, 230 closed cases and 570 cleared cases.

DEPARTMENT UPDATE: Parks and Recreation

Max Wood, Parks and Recreation Director, presented an update of the Delta City Parks and Recreation Department from April 1, 1985, to September 1, 1985.

Mr. Wood explained a breakdown of the Concession Stand expenses showing a profit of \$1,864.93 and said that he would like to use that money to add an additional restroom within the Concession Stand Building. He also explained the programs that had been and were being held in the Parks and Recreation Department, with details of the participants, expenditures and profits showing that in 1984 there were 906 participants and in 1985 there were 1290 participants in the same programs. Mr. Wood also reviewed what he felt were areas of improvement such as holding evaluation meetings to review expenses and receive input from participants in different activities, and establishing a better usage agreement between Delta City and the various schools.

CITY MANAGER JIM ALLAN: EMPLOYEE EVALUATIONS

Mayor Nielson asked City Manager Jim Allan to review with the Council the evaluations of Chief of Police Roger Young and Parks and Recreation Director Max Wood.

Jim Allan reviewed with the Council the evaluation of Parks and Recreation Director Max Wood and said that he felt Mr. Wood is doing a good job and recommended that Mr. Wood receive a one step increase with a raise in pay from \$1,675.20 to \$1,741.50 per month to the end of Mr. Wood's three month probation period.

Council Member Don Dafoe MOVED that Max Wood receive a one step increase in salary from \$1,675.20 to \$1,741.50 retroactive to the end of the three month period when Mr. Wood was put on permanent status. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

Jim Allan also reviewed the evaluation of Chief of Police Roger Young and recommended that Chief Young receive a two step increase from 22B to 22D. Mr. Allan explained that the reason for the two step increase rather than a single step merit increase is that Chief Young no longer receives overtime pay.

Council Member Neil Dutson MOVED that Chief Roger Young receive a two step increase from 22B to 22D. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there was any further discussion on the motion. There being none, he called for a vote on the motion, which passed unanimously.



CITY MANAGER JIM ALLAN: DISCUSSION OF SIDEWALK PROJECT BETWEEN SECOND AND THIRD WEST ON MAIN STREET

Mayor Nielson asked City Manager Jim Allan to review with the Council the Sidewalk Project between Second and Third West on the south side of Main Street.

City Manager Jim Allan stated that a meeting was held with the owners of businesses between 200 and 300 West on Main Street on Friday, September 13, 1985. Mr. Allan said that the goals and objectives of this project are to create a better business environment for the businesses and to eliminate the negative impact due to poor sidewalks and gutters, and to eliminate the safety hazard created by the sidewalks. He also said that with the new sidewalks, the problem of drainage and seepage under the sidewalk and buildings would be eliminated. Mr. Allan said that the objective is to replace the curb and gutter and sidewalk along that street and the proposed course of action was to meet with the businesses to see if they would concur with the project.

Mr. Allan said that construction would begin on Monday beginning at the east end of the street working west doing 100 foot sections at a time. Mr. Allan explained that the total cost of the project would be \$17,560.00. Mr. Allan said that Delta City would stand the expense of tearing up and replacing the curb and gutter amounting to \$4,220.00. He said that Delta City would also assist by tearing out the old sidewalk and putting in the necessary foundation for preparation of the new sidewalk, which is estimated to be \$5,275.00. Mr. Allan also said that the business owners would pay for labor and materials which would amount to \$8,065.00. The businesses concurred with this concept, except George Van, who has been involved in new curb, gutter and sidewalk projects three other times. Jack Grayson and Keith Dalton who own the corner lots on the West side are still considering the project.

Council Member Don Dafoe asked if some type of a sealant could be applied to the new section of sidewalk to protect it and prevent it from flaking up. Assistant Public Works Director Alan Riding said that he felt that a sealant would be expensive and during the winter months the sealant would make the sidewalks very slippery.

OTHER BUSINESS

Council Member Craig Greathouse said that Kim Christensen of the Planning and Zoning Board needs to be replaced because he is moving to St. George.

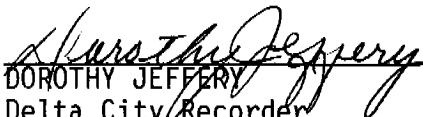
Assistant Public Works Director Alan Riding said that a new one-ton truck ordered recently would be here during the week.

Attorney Warren Peterson said that he had done some research as to the apparent ownership of Main Street. He said that Delta City is the record owner and the street is still designated as Clark Street as shown on the March 5, 1918, rededication plat filed by Melville Irrigation Company.

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Mayor Nielson asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Don Dafoe. The meeting adjourned at 10:05 p.m.

  
GRANT S. NIELSON, Mayor

Attest:   
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: October 21, 1985